



Legal Notice of Public Hearing

Metropolitan Board of Zoning Appeals

200 East Washington St, Suite 1842, Indianapolis, IN 46204 317-327-5155

TO WHOM IT MAY CONCERN:

You are receiving this notice of a public hearing as a nearby property owner, or as a representative of a registered neighborhood organization, or as an affected City-County Councilor.

Due to recent Executive Orders issued by Governor Holcomb and Mayor Hogsett regarding COVID-19 guidelines and restrictions, administrative and legislative bodies have been granted the authority to conduct meetings electronically. In the event that Marion County is still under said restrictions by the date of this scheduled hearing, please see the Webex instructions or contact the Division of Planning to receive instructions regarding the specific hearing instructions for this petition. The Webex link and assigned planner's contact information can be found on the 2nd page of this legal notice.

A **Public Hearing** of the Metropolitan Board of Zoning Appeals has been scheduled for **Tuesday, October 6, 2020 at 1:00 p.m.** in the Beurt SerVaas Public Assembly Room on the Second Floor of the City-County Building, 200 East Washington Street, Indianapolis, Indiana. At this hearing, the Metropolitan Board of Zoning Appeals will consider the following petition(s):

Case Number: 2020-DV1-051
Address: 8216 Trevellian Way, 8220 Palmetto Lane, 8135 Woodbine Drive, 854 Country Lane, 8455 Burn Court, 530 Meadowridge Trail; 8239 Rahke Road, 8615 Kensaw Court, 312 Southcreek Drive North, 8982 Classic View Drive, 228 Hargeo Drive, 266 Buffalo Drive, 735 Ralston Road, 8350 Trevellian Way; 626 Queenswood Drive, 713 Fabyan Road, 412 West Hill Valley Drive, 355 Rodeo Drive, 423 Mellowood Drive, 8145 Lockwood Lane and 256 Country Woods Drive (approximate addresses)
Location: Perry Township, Council District #23
Zoning: D-3 & D-4
Petitioner: Verizon Wireless, by Matt Bates
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 39.7-foot tall to 47-foot tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way (only underground utilities permitted after January 1, 1973.)

Vicinity Map (approximate location is marked)

The legal description and the details of the proposal are on file in the Department of Metropolitan Development, Suite 1842, City-County Building. All information may be reviewed between the hours of 8:00 a.m. to 4:45 p.m., Monday through Friday, excluding legal holidays.

[See attached vicinity map](#)

All interested persons wishing to speak to this petition, either for or against, will be given an opportunity to be heard, in accordance with the Rules of Procedure. Written comments regarding this proposal may be filed with the Secretary of the Metropolitan Board of Zoning Appeals before the hearing at the above address and such comments will be considered.

The hearing may be continued to a future date from time to time when found necessary. Any change in room location will be posted at the Public Assembly Room. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting.

To ensure a fair hearing, contacting any member of the Metropolitan Board of Zoning Appeals regarding a pending or future proposal is strictly PROHIBITED by the Rules of Procedure and Indiana State statute.

Petitioner or Agent for Petitioner Contact Information

Signature: _____
Printed Name: [Matt Bates - Telecad Wireless Site Design, LLC](#)
Street Address: 1961 Northpoint Boulevard, Suite 130
City, State, Zip: Hixson, TN 37343
Phone Number: [423-802-7707](#) FAX: _____
Email: Matt.Bates@telecadeng.com

General Information about this Legal Notice of the Metropolitan Board of Zoning Appeals (BZA)

Why am I getting this?	You are receiving this formal notice for one of three reasons. You are either a property owner within two (2) properties distance or within 660 feet of the property which is the subject of this petition; or you are a neighborhood representative; or you are a City-County Councilor.
Do I need to do anything or go anywhere?	This notice does <u>not</u> require you to attend the hearing or do anything. This notice simply informs you that a petition has been filed pertaining to property near you and that you have the opportunity to be informed and speak to that petition.
What is the Board of Zoning Appeals?	The Metropolitan Board of Zoning Appeals (BZA) is an official decision-making body authorized by State Statute. The BZA consists of five (5) citizens of Marion County who serve without compensation. The BZA members are appointed by the Mayor, City-County Council and the County Commission. There are three Divisions of the BZA. Each Division meets monthly with an alternate swing meeting. The Metropolitan Board of Zoning Appeals has the authority to grant or deny variance petitions.
What is a Variance?	A variance is permission to deviate or depart from the zoning ordinance. The zoning ordinance identifies uses that are permitted in various zoning classifications and the basic standards that development must meet, such as height and setback from property lines. The Metropolitan Board of Zoning Appeals has the authority to grant or deny variance petitions.
What do the Zoning Districts mean?	<p>D-3 is Dwelling District Three, provides for low or medium intensity residential development at typically 2.6 units per acre. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities. Two-family dwellings are permitted on corner lots only.</p> <p>D-4 is Dwelling District Four, for low or medium intensity single-family and two-family residential development at a typical density of 4.2 units per acre. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important.</p> <p>Consult the zoning code for specific details: http://www.indy.gov/dmd</p>
May I contact the petitioner?	Yes. The petitioner's contact information is on the front side of this notice.
May I contact Department of Metropolitan Development Staff?	<p>Yes. While you cannot contact the BZA directly, you may contact DMD staff. A DMD staff planner is available to discuss questions you may have regarding the hearing process or the basis for the staff recommendation as written in the Staff Report. The Staff Planner assigned to this case is Marleny Iraheta, Senior Planner. She can be contacted at 317-327-5374, or by email at Marleny.Iraheta@Indy.Gov. Letters of support or opposition to this request can be sent to the planner or to DMDpubliccomments@indy.gov.</p> <p>The Mayor's Neighborhood Advocate is MJ Dunne, who can be reached at 317-429-7807 or by email at MJ.Dunne@Indy.Gov. Neighborhood Advocates serve as a bridge between citizens and city government, acting as ombudsmen and providing a communication link between neighborhoods and the City.</p>
What Is a Staff Report?	The planner assigned to the petition prepares a written Staff Report prior to the hearing that includes an objective planning analysis and recommendation. The Staff Report is available to the public and petitioner six (6) days prior to the hearing date listed on the front side of this notice.
How do I get a Continuance?	An "automatic" continuance of the petition is allowed (except Supplemental Review petitions), one (1) for the petitioner (those presenting the petition) and one (1) for the remonstrator (those against the petition), as a matter of right, if it is the first request for continuance by that party and is requested in compliance with the Metropolitan Board of Zoning Appeals Rules of Procedure. The Rules of Procedure are available in the City-County Building, 200 East Washington Street, Suite 1842. All automatic continuances move the petition to the next regularly scheduled hearing of the same Division of the BZA that is at least three (3) weeks later. The request for an automatic continuance must include the new date of the hearing. The petition will be automatically continued to the hearing date stated in the request unless notice of a different date is subsequently given. The person requesting the continuance shall give notice to everyone required to be served with notice and to attorneys or agents who have entered their appearance or are known by the person requesting the continuance to represent petitioner or remonstrator. However, registered neighborhood organizations are only required to give notice to attorneys, agents, petitioner and remonstrators of record. A request for an automatic continuance must be filed in writing with the Administrator no later than five (5) calendar days prior to the day of the scheduled hearing. The BZA decides all other continuance requests. Continuances do not require a fee.
What about Commitments or Conditions?	If the petition is approved, commitments or conditions may be attached to its approval. After the hearing process has been completed, the commitments or conditions may be obtained by mailing a self-addressed, stamped envelope, with the petition number, to the staff planner indicated above at 200 East Washington Street, Suite 1842, Indianapolis, Indiana 46204.
Where can I get more information?	<p>In addition to contacting the petitioner or city staff as indicated above, you might also contact your City-County Councilor, your neighborhood organization, the Indianapolis Neighborhood Resource Center, or the public library. Online resources include: Current Planning (Zoning) office for general information: http://www.indy.gov/dmd</p> <p>Determine the neighborhood organizations in your area: http://maps.indy.gov/Indy.Organizations.Web/</p> <p>Determine your elected officials, including City-County Councilors: https://www.indy.gov/agency/city-county-council or http://maps.indy.gov/MyNeighborhood/</p>
How can I attend the October 6, 2020 Webex Hearing?	<p>BZA I Webex Hearing information for October 6, 2020:</p> <p>https://indy.webex.com/indy/onstage/g.php?MTID=e71c089088eb0ce205a2354fd92102294</p> <p>United States Toll Free 1-844-992-4726</p> <p>United States Toll +1-408-418-9388</p> <p>Access code: 173 992 1746</p> <p>Password: DMDCP</p>